

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

QUINTEZ TALLEY, and
PENNSYLVANIANS WITH MENTAL
ILLNESS,

Plaintiffs,

vs.

COMMONWEALTH OF
PENNSYLVANIA, *et al.*,

Defendants.

Civil Action No. 2:21-1208

United States District Judge
Cathy Bissoon

United States Magistrate Judge
Maureen P. Kelly

MEMORANDUM ORDER

This case was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.¹ On August 5, 2022, this Court entered a Memorandum Order (Doc. 22) adopting Judge Kelly’s Report recommending dismissal of Plaintiff, Quintez Talley’s, federal claims pre-service, *sua sponte*, pursuant to 28 U.S.C. § 1915A. The Memorandum Order also formally dismissed all claims raised on behalf of “Pennsylvanians with Mental Illness,” and declined to exercise jurisdiction over Talley’s state law claims (Doc. 22). Final Judgment in the case was entered that same day (Doc. 23).

On November 2, 2022, Talley filed a *pro se* “Motion for Class Certification” asking the Court to certify “Pennsylvanians with Mental Illness” as a class. (Doc. 24). The Motion is denied to this extent. As set forth above, the group “Pennsylvanians with Mental Illness” was

¹ This matter initially was referred to Chief Magistrate Judge Cynthia Reed Eddy. Judge Eddy recused herself from the case on October 14, 2021, and the case was reassigned to Judge Kelly at that time. (Doc. 7).

dismissed as an improper party in this case, and Talley's Complaint was dismissed in its entirety.

Talley's Motion, however, also suggests that he did not receive notice of the Final Judgment or the Court Order overruling his objections and adopting Judge Kelly's R&R. *See* Doc. 24 ¶ 4 (stating that he has "yet to hear anything" following his filing of objections to the R&R in May, 2022). Giving Talley the benefit of the doubt, the Court is re-sending a copy of the August 5, 2022 Memorandum Order and Final Judgment (Docs. 22, 23) together with the instant Order, via US first-class mail to Talley's address of record.

Because final judgment was entered on August 5, 2022, the time for appealing the judgment has elapsed. *See* Fed. R. App. P. 4(a). Thus, should Talley wish to appeal the judgment, he must first file a Motion to Reopen the Time to File an Appeal within fourteen (14) days after receiving the copies of the Memorandum Order and Final Judgment enclosed herewith. *See* Fed. R. App. P. 4(a)(6). If timely filed, the Court will consider such a Motion and reopen the appeal period if all of the remaining Rule 4(a)(6) requirements are met.

IT IS SO ORDERED.

Date: November 15, 2022

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):
All Counsel of Record

cc (via U.S. Mail):

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